

SNYGG et al  
Appl. No. 09/866,867

### **REMARKS/ARGUMENTS**

Favorable reexamination of the captioned application is respectfully requested.

#### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants:

1. Add new independent apparatus claim 9 and claims 10 – 11 dependent thereon.
2. Add new independent method claim 12.
3. Respectfully traverse all prior art rejections.

#### **B. THE NEW CLAIMS**

New independent claim 9 resembles independent claim 1, but in lieu of the last two paragraphs of independent claim 1 concludes instead with language supported, e.g., by page 7 of the specification, especially lines 7 – 9. New Dependent claims 10 and 11 resemble existing claims 4 and 5, respectively.

New independent claim 12 similarly resembles independent claim 6, but concludes instead with similar language supported, e.g., by page 7, lines 7 – 9.

#### **C. PATENTABILITY OF THE CLAIMS**

Claims 1 – 8 stand rejected under 35 USC § 103(a) as being unpatentable over US Patent 6,636,747 to Harada. All prior art rejections are respectfully traversed for at least the following reasons.

US Patent 6,636,747 to Harada solves a completely different problem than that of Applicant's disclosure. Specifically, US Patent 6,636,747 to Harada attempts to provide a telephone/radio terminal which can be adaptively re-configured by a base station in accordance with the particular system in whose coverage area the terminal is located. While some of the "differential information" utilized by US Patent 6,636,747 to Harada

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relates to filter configuration, there are significant differences between the fields of endeavor, with US Patent 6,636,747 to Harada falling far short of Applicant's claims.

For example, all independent claims require that Applicant's filter be located between the antenna and the receiver or the transmitter. By contrast, Fig 3 of Harada clearly shows that their filter is located in the baseband unit of the device, i.e., not between the receiver (or transmitter) and the antenna.

Moreover, Applicant's dependent claim 2, new independent apparatus claim 9, and new independent method claim 12 each require that the transmitter and receiver be capable of mutual control over each other. Nowhere in the Harada document is there anything to state that the radio terminal can control the base station. In addition, Applicant's claims require that the frequency of the entire system be changeable, as opposed to the Harada document, where it is only the telephone that is subjected to a change.

Finally, there is no reason why a person wishing to solve the problem stated by Applicant, i.e. improving the signal to noise ratio in a communication system, would turn to a document which deals with a telephone terminal for use in multiple systems in order to make that document the starting point for his design.

In view of the foregoing and other considerations, the Examiner has ample bases for withdrawing all objections and rejections and for allowing all claims. It is therefore respectfully requested that the captioned application be passed to issue.

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#### D. MISCELLANEOUS

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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By:



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